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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,871	11/14/2003	Willis J. Mullet	WAY.P.US0054A	1870

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EXAMINER

LEV, BRUCE ALLEN

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/713,871

Applicant(s)

MULLET, WILLIS J.

Examiner

Bruce A. Lev

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/3/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

BRUCE A. LEV  
PRIMARY EXAMINER

## DETAILED ACTION

### *Claim Objections*

***Claims 11-13 are objected to*** because they depend from *canceled claim 10*.

### *Claim Rejections - 35 USC § 112*

***Claims 15-21 are rejected*** under 35 U.S.C. **112**, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claim 15, the phrase "said second joint *member*", in line 11, lacks antecedent basis and therefore renders the claims as vague and indefinite.

### *Claim Rejections - 35 USC § 103*

***Claims 1-9 and 12-21 are rejected*** under 35 U.S.C. **103(a)** as being unpatentable over ***Ford et al 6,076,590***.

As concerns claims 1 and 15, ***Ford et al set forth*** a sectional door (best illustrated in Figure 9) comprising a plurality of panels having a front facer and a rear surface, first and second joints being hinged together, the first joint having a primarily planar surface (formed by the top surface of member 104) perpendicular to the front facer, and the second joint having a arced curvilinear surface (viewed as inclusive of member 190). ***What Ford et al do not set forth*** is the rear surface and front facer being formed integrally. However, the examiner takes the position that forming

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separate members as one integral member, an *integration of parts*, or vice versa is *not* considered as patentable subject matter within an apparatus claim. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the separate members as one member in order to reduce the number of parts of the door and thereby the number of steps required to assemble the door.

As concerns claim 2, Ford et al set forth the first joint having a weight bearing raised portion (inclusive of member 192) intermediate the front facer and rear surface.

As concerns claim 3, Ford et al set forth the raised portion contacting the second joint tangentially.

As concerns claim 4, Ford et al set forth the second joint having a projecting nose spaced no more than 0.2 inches from the first joint during movement.

As concerns claim 5, Ford et al set forth the surface of the second joint being generally concave.

As concerns claim 6, Ford et al set forth the second joint being generally an arc.

As concerns claim 7, Ford et al set forth the second joint having a downwardly projecting nose (of member 190), and wherein the first joint has an offset portion (of member 192) receiving the nose.

As concerns claim 8, Ford et al set forth the second joint having a heel portion, and a recessed offset on the first joint defining a clearance between the joints near the rear of the panels.

As concerns claim 9, Ford et al set forth the door, as advanced above, except for the joints formed integrally on the panels. However, the examiner takes the position

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that forming separate members as one integral member, an *integration of parts*, or vice versa is *not* considered as patentable subject matter within an apparatus claim. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the separate members as one member in order to reduce the number of parts of the door and thereby the number of steps required to assemble the door.

As concerns claim 12, Ford et al set forth a hinge receiver on the roller carrier and a hinge.

As concerns claim 13, Ford et al set forth the hinge receiver including an arcuate slot and the first end of the hinge being arcuate.

As concerns claim 14 and 17, Ford et al set forth the second joint as having a large radius curved surface, in as much as instant invention.

As concerns claim 18, Ford et al set forth the junctures of the second joint and the front surface and the rear surface lie in a perpendicular line to the front surface, in as much as instant invention.

As concerns claim 19, Ford et al set forth a the joint surfaces having a plurality of intermediate raised surfaces and tiers (viewed as portions of member 192).

As concerns claim 20, Ford et al set forth the panels having end and center stiles mounting the hinges.

***Claim 11 is rejected*** under 35 U.S.C. ***103(a)*** as being unpatentable over ***Ford et al in view of Whitley 6,553,61 8.***

**Ford et al set forth** the door, as advanced above, except for the roller carriers formed of plastic. However, **Whitley teaches** forming roller door carriers from plastic material. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the roller carriers of Ford et al by forming them from plastic material, as taught by Whitley, in order to reduce friction between the pads, and to reduce the weight of the overall structure.

### **Conclusion**

Remarks filed November 3, 2004 have been considered but have not been persuasive.

Applicant's amendment, including "the rear surface and front facer being formed integrally" (i.e., in claim 1), necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

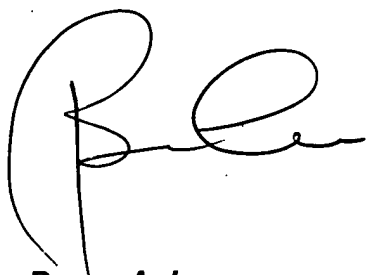
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

December 7, 2004

A handwritten signature in black ink, appearing to read 'Bruce A. Lev'. The signature is stylized with a large, looped 'B' and a cursive 'Lev'.

**Bruce A. Lev**

**Primary Examiner**

**Group 3600**